

MAR 03 2008

Application No. 10/619,987
Amendment dated March 3, 2008
Reply to Office Action of September 13, 2007

Amendments to the Drawings:

The attached sheets of drawings include new sheets 2/16-7/16 containing Figs. 2e-2j, which correspond in substantial part to Figs. 1-6 of U.S. Serial No. 08/111,634 incorporated by reference into the present application.

Attachment: New Sheets 2/16-7/16

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REMARKS

Applicant cancelled claims 36-38 without prejudice or disclaimer of their subject matter, amended claims 1, 2, 4-7, 13-15, 21, 22, 28, 35, and 39, and added new claims 42-46 (including new independent claims 45 and 46) to further define Applicant's invention. New independent claim 45 is supported at least by FIGS. 2a-2d, and new independent claim 46 is supported at least by FIGS. 2i and 2j.

In the Office Action, the Examiner rejected claims 1-35 and 39-41 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement; rejected claims 1-35 and 39-41 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; and rejected claims 1-35 and 39-41 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The specification and drawings have been amended to include portions of U.S. Serial No. 08/111,634, entitled "Surgical Ligation Clip," which is incorporated by reference into the present application. Applicant submits that claims 1-35 and 39-46 are supported by the amendments to the specification and drawings incorporating portions of U.S. Serial No. 08/111,634, as well as by the original disclosure of the present application. Accordingly, Applicant submits that the Examiner's rejections under 35 U.S.C. § 112, first and second paragraphs, have been traversed.

The Examiner rejected claims 1-35 and 39-41 (including independent claims 1, 7, 14, 22, 28, and 39) under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 4,024,868 to Williams ("Williams"). Each of Independent claims 1, 7, 14, 22, 28, and 39 have been amended to recite a surgical ligation clip with a connector having a maximum length oriented along the longitudinal axis of the clip, "and a maximum height perpendicular to the maximum length of said connector," where "the maximum length of said connector [approximates] the maximum height of said connector."

Williams discloses a permanent aneurysm clip including three (3) elongated clamp members (14), (16), and (18), and a handle portion (20). The clamp members

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(14) and (16) are biased toward the clamp member (18). As shown in Fig. 2, the clamp members (14) and (16) are joined at their ends by a bridge (28). The bridge (28), as shown in Fig. 1, and a finger (26) provided on the end of the clamp member (18) are angled downward. The finger (26) and the bridge (28) contact one another. Furthermore, the handle portion (20), formed by an upper member (22) and a lower handle member (24), connects the clamp member (14) and (16) with the clamp member (18). The handle portion (20) has a maximum length along the longitudinal axis of the permanent aneurysm clip, and a maximum height perpendicular to the length thereof. Williams teaches that the maximum length of the handle portion (20) is greater than the maximum height, and is greater than maximum lengths of the clamp members (14), (16), and (18). Therefore, Williams teaches away from the present invention as recited in amended independent claims 1, 7, 14, 22, 28, and 39. Unlike amended Independent claims 1, 7, 14, 22, 28, and 39, the permanent aneurysm clip of Williams does not have a connector having a maximum length oriented along the longitudinal axis of the permanent aneurysm clip, and a maximum height perpendicular to the length of the connector, where the maximum length of the connector approximates the maximum height of the connector. Accordingly, Applicant submits that independent claims 1, 7, 14, 22, 28, and 39, as amended, traverse the Examiner's rejections under 35 U.S.C. §§ 102(b) and 103(a) based on Williams.

In addition to the above-discussed recitation of amended independent claims 1, 7, 14, 22, 28, and 39, each of independent claims 1, 7, 14, 22, 28, and 39 include additional limitations distinguishing the permanent aneurysm clip of Williams. Unlike the finger (26) and the bridge (28) of Williams, amended Independent claim 1 recites that "one of said arm and said member includes a portion at the distal end thereof [opposite said connector] generally oriented along the longitudinal axis of said clip." Unlike the finger (26) and the bridge (28) of Williams, independent claim 7 recites that a clamping member and a support member each include "a portion at said distal end of said clip generally oriented along the longitudinal axis [of said clip]." Unlike the finger (26) and the bridge (28) of Williams, amended independent claim 14 recites that "at

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least one of said support member and said clamping arm [has] a length opposite said connector generally oriented along the longitudinal axis [of said clip]." Unlike the finger (26) and the bridge (28) of Williams, amended independent claim 22 recites that "said connector [is] adapted to bias said distal end of said clamping arm away from said distal end of said support member while said clip is in a closed and unengaged position so that said distal ends of said support member and said clamping member do not touch one another." Unlike the clamp members (14), (16), and (18) of Williams, amended independent claim 28 recites that "said support member [includes] a first portion and a second portion defining a channel therebetween, said support member adapted to receive said clamping arm through said channel when said clip is in a closed position." Finally, unlike the clamp members (14), (16), and (18), and the handle portion (20) of Williams, amended independent claim 39 recites a connector having a maximum length oriented along the longitudinal axis of the clip "being less than half of the maximum lengths of one of said support member and said clamping arm." From the discussion of Williams above, it is apparent that amended independent claims 1, 7, 14, 22, 28, and 39 recite additional limitations that Williams does not teach or suggest. Accordingly, Applicant again submits that Independent claims 1, 7, 14, 22, 28, and 39, as amended, traverse the Examiner's rejections under 35 U.S.C. §§ 102(b) and 103(a) based on Williams.

In conclusion, Applicant submits that independent claims 1, 7, 14, 22, 28, 39, 45 and 46 are patentable and that dependent claims 2-6, 8-13, 15-21, 23-27, 29-35, and 40-44 dependent from independent claim 1, 7, 14, 22, 28, or 39, or claims dependent therefrom, are patentable at least due to their dependency from an allowable Independent claim. In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any

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fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

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Dated: March 3, 2008

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